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D.A.C. #3

CASE 4-31831B

FILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10

EL820011256US
Express Mail Label Number

September 30, 2002
Date of Deposit

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

CAMPBELL ET AL.

APPLICATION NO: 09/735,438

FILED: DECEMBER 13, 2001

FOR: FAMCICLOVIR MONOHYDRATE

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OCT 07 2002
OFFICE OF PETITIONS

Attention: Box Missing Parts
Assistant Commissioner for Patents
Washington, DC 20231

RESPONSE TO NOTICE TO FILE CORRECTED APPLICATION PAPERS

Sir:

The Notice to File Corrected Application Papers - Filing Date Granted dated February 13, 2001 (the "Notice") (a copy of which is enclosed) has a shortened statutory time set to expire on April 13, 2001. The application was originally owned by SmithKline Beecham Corporation; however, Novartis International Pharmaceuticals Ltd. ("Novartis") is the present assignee of the application. A POWER OF ATTORNEY AND CHANGE OF ADDRESS directing all communications relating to the application to be sent to the address associated with Customer No. 001095 was received by the USPTO on January 18, 2002.

Linda Hallman of the U.S.P.T.O. notified Novartis on Thursday, September 26, 2002 that the application was to go abandoned for non-response to the Notice. Novartis has never received such Notice. A copy of the Notice was faxed to Novartis on September 26, 2002 for response.

In response, applicants now submit a corrected specification as required under 37 CFR §1.52.

The entire period of delay in response to the Notice was unavoidable in view of the fact that Novartis only actually received the Notice on September 26, 2002. If this application is deemed to be abandoned, please consider this paper to be a petition under 37 CFR §1.137(a). In the alternative, if this paper is construed as a petition to revive an unavoidably abandoned application

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and such petition is denied, then consider this paper to be a petition to revive an unintentionally abandoned application under 37 CFR §1.137(b) because the entire delay in responding to the Notice was unintentional as well as unavoidable.

Applicant believes that this paper is being filed within two months of actual receipt of the Notice, and so no fees are required. If a fee is deemed to be required, the Commissioner is hereby authorized to charge such fee(s) to Account No. 19-0134 in the name of Novartis Corporation.

Respectfully submitted,

Novartis Pharmaceuticals Corporation
Patent and Trademark Dept.
564 Morris Avenue
Summit, NJ 07901-1027
(908) 522-6765


Thomas R. Savitsky
Attorney for Applicants
Reg. No. 31,661

Date: September 30, 2002



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/735,438	12/13/2000	Kenneth Churchill Campbell	P31376-C1

CONFIRMATION NO. 5273

FORMALITIES LETTER



OC000000005759391

SMITHKLINE BEECHAM CORPORATION
Corporate Intellectual Property - UW2220
P.O. Box 1539
King Of Purssia, PA 19406-0939

Date Mailed: 02/13/2001

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

This application has been accorded an Application Number and Filing Date. The application, however, is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a)

The required item(s) identified below must be timely submitted to avoid abandonment:

- A substitute specification in compliance with 37 CFR 1.52 because:
 - The specification cannot be scanned or properly stored. Page(s)
 - Papers must be legibly written either by a typewriter or mechanical printer in permanent ink or its equivalent in portrait orientation on flexible, strong, smooth, non-shiny, durable, and white paper. Application papers must be presented in a form having sufficient clarity and contrast between the paper and the writing thereon to permit the direct reproduction of readily legible copies in any number by use of photographic, electrostatic, photo-offset, and microfilming processes and electronic reproduction by use of digital imaging and optical character recognition. Pages All Pages are not in compliance with 37 CFR 1.52(a).
- An abstract was not provided for this application. An abstract of the technical disclosure is required under 37 CFR 1.72(b).
- The specification was submitted in multiple column format and is not suitable for electronic reproduction (see 37 CFR 1.52(a)).

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